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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24240 of 2021

Vinothkumar

...Petitioner

Vs.

The State rep. by
The Inspector of Police
Tiruvannamalai Town Police Station,
Tiruvannamalai.
Tiruvannamalai District.
(Crime No.3717 of 2020)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.3717 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 17.10.2021 for the offences under Sections 147, 148, 366(A), 294 (b), 506(ii), 363, 366 of IPC r/w Section 11(4) & 12 of Protection of Children from Sexual Offence Act 2012, in Crime No.3717 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that defacto complainant daughter namely Baby @ Trisha was kidnapped by the petitioner along with other persons and abused her. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he further submits that petitioner is being brother of A1, he was falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 60 days from 17.10.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating that petitioner who is brother of A1, helped for the elopement with victim girl and he further submits that the investigation was almost completed and statement of the Victim girl under Section 164 of Cr.P.C is recorded.

5. A perusal of 164 Statement reveals that there is no serious allegations as against the petitioner.

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and that the investigation is almost completed and as per 164 Statement, there is no serious allegations as against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Court of Exclusive Trial of Cases under POCSO Act, Tiruvannamalai, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police on daily at 5.00 p.m for a period of four weeks, until further orders and the petitioner shall not communicate the victim girl through any mode until disposal of the case;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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20/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT OF
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI, TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.24240/2021

Date :20/12/2021

RW 21/12/2021